IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.715 OF 2004
IN
APPEAL FROM ORDER NO.527 OF 2004
IN
NOTICE OF MOTION NO.3926 OF 2003
IN
SUMMONS FOR JUDGMENT NO.40 OF 2002
IN
SUMMARY SUIT NO.798 OF 1999

Jajodia Silk Emporium ...Applicant

Versus

Dhanraj Velji Shah & Ors. ...Respondents

.....

Mr.Chaturvedi i/b Chaturvedi & Associates

for Applicant.

Mr.Yashpal Jain for Respondent No.1.

.....

CORAM: A.M.KHANWILKAR, J.

JANUARY 23, 2006.

P.C.

1. Heard Counsel for the parties. As the delay is only of 40 days and for reasons mentioned in the Application, which have remained uncontroverted, I am inclined to accept the

application in the interest of justice, on condition that the Applicant shall pay cost to the Respondent No.1 quantified at Rs.1,000/- (Rupees One Thousand) within one week from today, failing which, the Office shall proceed on the assumption that this application has been dismissed for non-prosecution. Applicant to produce receipt of payment in the registry within one week from today. Only thereafter, the Office should proceed to register the Appeal and place it for admission as per its turn.

A.M.KHANWILKAR, J.